

Local Rule 5.1 - General Format of Papers Presented for Filing

(a) Form, Style and Size of Papers. In order that the files of the Clerk's office may be kept under the system commonly known as "flat filing," all papers presented to the Clerk or Judge for filing shall be flat and unfolded. All filings shall be on white paper of good quality, 8 ½" x 11" in size, and shall be plainly typewritten, printed, or prepared by a clearly legible duplication process, and double spaced, except for quoted material. The filings shall be either stapled in the top left corner or bound in a manner which permits the document to lie reasonably flat when open (*e.g.*, spiral bound), and shall be two-hole punched at the top (but not fastened)(the punches shall be 2 ¾" apart and appropriately centered). Should the nature of the filing be so unusual as to make these methods of fastening infeasible, a party may seek leave of the Court to use a different method. Such leave shall be sought prior to the submission of any filing fastened in any way not conforming to this Rule. The title of each filing must be set out on the first page. Each page shall be numbered consecutively. Any filing containing four or more exhibits shall include a separate index identifying and briefly describing each exhibit.

(b) Signature. Every pleading, motion, or other paper shall clearly identify the name, address, and telephone number of the *pro se* litigant or attorney. Any pleading, motion, or other paper not signed by at least one attorney appearing of record as required by Rule 11, *Federal Rules of Civil Procedure* shall, upon discovery of such omission, be stricken from the record unless such omission is promptly corrected upon notice to said attorney. A rubber stamp or facsimile signature on the original copy of such document shall not be used.

(c) Number of Copies; Return of File-Stamped Copies. An original of all pleadings, motions, and other papers shall be submitted for filing unless ordered otherwise. If a party wishes to receive a file-stamped copy of the pleading, motion, or paper by return mail, the party shall include an additional copy to be file-stamped, and a self-addressed envelope of adequate size and with adequate postage.

(d) Form of Orders. The filing of a motion or petition requiring the entry of a routine or uncontested order by the Judge or the Clerk shall be accompanied by a suitable tendered form of order together with sufficient copies thereof for service upon all parties or their counsel whose names and addresses shall be typed in the lower left-hand corner of the tendered form of order. Whenever the Clerk is required to give

notice, as provided by Rules 53(d)(1), 53(e)(1), 65.1 and 77(d) of the *Federal Rules of Civil Procedure*, or Local Rule 24.1, the party or parties requesting such notice shall furnish the Clerk with sufficient copies of the proposed notice to be given and the names and addresses of the parties or their counsel to whom such notice is to be given.

(e) The Clerk is authorized to file papers received by facsimile transmission only upon specific authorization by a Judge of the Court granted upon a finding of compelling circumstances warranting such method of filing. Whenever facsimile filings are permitted, a substitute copy that complies with Local Rule 5.1(a) shall be filed to replace the facsimile within seven (7) days.

(f) Notice by Publication. All notices required to be published in a case shall be delivered by the Clerk of the Court to the party originating such notice or his counsel, who shall have the responsibility for delivering such notice to the appropriate newspapers for publication.

Notes: Amended effective January 1, 2000. Subsection (f) was formerly contained in Local Rule 4.1(b).

Local Rule 5.2 - Public Access to Certain Case Information

In compliance with the policy of the Judicial Conference of the United States and the E-Government Act of 2002, and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all pleadings and documents filed with the Court, including exhibits thereto, whether filed electronically or on paper, unless otherwise ordered by the Court:

- a. Social Security numbers. If an individual's social security number must be included in a pleading or document, only the last four digits of that number should be used.
- b. Names of minor children. If the involvement of a minor child must be mentioned, only the initials of that child should be used.
- c. Dates of birth. If an individual's date of birth must be included in a pleading or document, only the year should be used.
- d. Financial account numbers. If financial account numbers are relevant, only the last four digits of these numbers should be used.

In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may file an unredacted document under seal, following the procedure set forth in Local Rule 5.3(c). This document shall be retained by the court as part of the record. The court may, however, still require the party to file a redacted copy for the public file.

The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk will not review each pleading for compliance with this rule.

Notes: Rule adopted effective July 1, 2002, and amended to comply with the E-Government Act on April 16, 2003.

Local Rule 5.3 - Filing of Documents Under Seal

(a) General Rule. No document will be maintained under seal in the absence of an authorizing statute, Court rule, or Court order.

(b) Filing of Cases Under Seal. Any new case submitted for filing under seal must be accompanied by a motion to seal and proposed order. Any case presented in this manner will be assigned a new case number, District Judge and Magistrate Judge. The Clerk will maintain the case under seal until a ruling granting the motion to seal is entered by the assigned District Judge. If the motion to seal is denied, the case will be immediately unsealed with or without prior notice to the filing party.

(c) Filing of Documents Under Seal. Materials presented as sealed documents shall be inside an envelope which allows them to remain flat. Affixed to the exterior of the envelope shall be an 8 ½ x 11" cover sheet containing:

- i. the case caption;
- ii. the name of the document if it can be disclosed publicly, otherwise an appropriate title by which the document may be identified on the public docket;
- iii. the name, address and telephone number of the person filing the document;
- and
- iv. in the event the motion requesting the document be filed under seal does not accompany the document, the cover sheet must set forth the citation of the statute or rule or the date of the Court order authorizing filing under seal.

(d) Prohibition of Electronic Filing of Sealed Documents. Sealed documents will not be filed electronically, but rather manually on paper. The party filing a sealed document shall file electronically a Notice of Manual Filing (see Form in Electronic Case Filing Administrative Policies and Procedures Manual for the Southern District of Indiana). The courtroom deputy to the District or Magistrate Judge should be contacted for instructions when filing certain *ex parte* documents which could not be disclosed by the electronic Notice of Manual Filing.

Notes: Rule adopted effective July 1, 2002.

Local Rule 5.4 - Filing of Documents Electronically

The Court will accept for filing documents submitted, signed or verified by electronic means that comply with rules and procedures established by the Court. Filing of documents electronically in compliance with these rules and procedures shall constitute filing with the Court for purposes of FED.R.CIV.P. 5(e).

Notes: Rule adopted effective July 1, 2002.

Local Rule 5.5 - Definitions for Cases Filed Electronically

(a) The term “Electronic Filing System” is used to refer to the Court’s system that receives documents filed in electronic form.

(b) The term “Filing User” is used to refer to those who have a Court-issued log-in and password to file documents electronically.

Notes: Rule adopted effective July 1, 2002.

Local Rule 5.6 – Scope of Electronic Filing

The Court will designate which cases will be assigned to the Electronic Filing System. All petitions, motions, memoranda of law, or other pleadings and documents required to be filed with the Court in connection with a case assigned to the Electronic Filing System must be electronically filed, except as expressly provided and in exceptional circumstances which would prevent a Filing User from filing electronically,

The filing of the initial pleading and accompanying documents, including the complaint and the issuance and service of the summons, will be accomplished in the traditional manner of paper documents rather than electronically. Once a case has been assigned to the Electronic Filing System and has been opened, parties must promptly provide the Clerk with electronic copies of all the documents previously provided in paper form. All subsequent documents must be filed electronically except as provided in these rules or as ordered by the Court.

Notwithstanding the foregoing, attorneys and others who are not Filing Users in the Electronic Filing System are not required to electronically file pleadings and other documents in a case assigned to the System. Once registered, a Filing User may seek leave of the Court to withdraw from participation in the Electronic Filing System.

All documents filed electronically must comply with the format and procedures set forth in the Electronic Case Filing Administrative Policies and Procedures Manual for the Southern District of Indiana.

The complaint and subsequent documents in actions seeking judicial review pursuant to 42 U.S.C. § 405(g) shall not be filed electronically.

Notes: Paragraph 5 added October 1, 2002. Rule adopted effective July 1, 2002.

Local Rule 5.7 – Eligibility, Registration, and Passwords for Electronic Filing

Attorneys admitted to the bar of this Court, including those admitted pro hac vice, may register as Filing Users of the Court's Electronic Filing System. Registration is in a form prescribed by the Clerk and requires the Filing User's name, address, telephone number, Internet e-mail address, and a declaration that the attorney is admitted to the bar of this Court.

Registration as a Filing User constitutes consent to electronic service of all documents as provided in these rules in accordance with the Federal Rules of Civil Procedure.

Once registration is completed, the Filing User will receive notification of the user log-in and password. Filing Users agree to protect the security of their passwords and immediately notify the Clerk if they learn that their password has been compromised.

Local Rules Advisory Committee Comments

Rule adopted effective July 1, 2002. Upon Court order, a party to a pending civil action who is not represented by an attorney may register as a Filing User in the Electronic Filing System solely for purposes of the action. Registration is in a form prescribed by the Clerk and requires identification of the action as well as the name, address, telephone number and Internet e-mail address of the party. If, during the course of the action, the party retains an attorney who appears on the party's behalf, the attorney must advise the Clerk to terminate the party's registration as a Filing User upon the attorney's appearance.

Local Rule 5.8 - Consequences of Electronic Filing

Electronic transmission of a document to the Electronic Filing System consistent with these rules, together with the transmission of a Notice of Electronic Filing from the Court, constitutes filing of the document for all purposes of the Federal Rules of Civil Procedure and the local rules of this Court, and constitutes entry of the document on the docket kept by the Clerk under FED. R. CIV. P. 58 and 79.

When a document has been filed electronically, the official record is the electronic recording of the document as stored by the Court, and the filing party is bound by the document as filed.

Filing a document electronically does not alter the filing deadline for that document. Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before midnight local time of the division to which the case has been assigned in order to be considered timely filed that day.

When a document is filed electronically, the Court's system will generate a Notice of Electronic Filing, which will be transmitted by the Court via e-mail to the filer and all parties who have consented to electronic service. The Notice of Electronic Filing will contain a hyperlink to the filed document. The party filing the document should retain a paper or electronic copy of the Notice of Electronic Filing, which serves as the Court's date-stamp and proof of filing. Transmission of the Notice of Electronic Filing to the registered e-mail address constitutes service of a pleading, document, order or notice upon any attorney in the case who has consented to electronic service. For cases which are a part of the Court's Electronic Case Filing System, only service of the Notice of Electronic Filing by the Court's system is sufficient to constitute electronic service. Those parties or attorneys within the case who have not consented to electronic service must be provided notice of the filing in paper form in accordance with the Federal Rules of Civil Procedure.

Notes: Rule adopted effective July 1, 2002.

Local Rule 5.9 – Entry of Court Orders in Cases Filed Electronically

All orders, decrees, judgments, and proceedings of the Court in cases filed electronically will be filed in accordance with these rules which will constitute entry on the docket kept by the Clerk under FED. R. CIV. P. 58 and 79. All signed orders may be filed electronically by the Court or Court personnel. Any order filed electronically without the original signature of a Judge has the same force and effect as if the Judge had affixed the Judge's signature to a paper copy of the order and it had been entered on the docket in a conventional manner.

A Filing User submitting a document electronically that requires a Judge's signature must do so in accordance with the policy set forth in the Electronic Case Filing Administrative Policies and Procedures Manual for the Southern District of Indiana.

Notes: Rule adopted effective July 1, 2002.

Local Rule 5.10 – Attachments and Exhibits in Cases Filed Electronically

Filing Users must submit in electronic form all documents referenced as exhibits or attachments, unless the Court grants leave for manual filing. A Filing User must submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the Court. Excerpted material must be clearly and prominently identified as such. Filing Users who file excerpts of documents as exhibits or attachments under this rule do so without prejudice to their right to timely file additional excerpts or the complete document. Responding parties may timely file additional excerpts or the complete document that they believe are directly germane.

Filing Users may be excused from filing a particular component electronically under certain limited circumstances, such as when the component cannot be reduced to an electronic format or the file size exceeds 1.5 megabytes (see Electronic Case Filing Policies and Procedures Manual for more information). Such component shall not be filed electronically, but instead shall be manually filed, on paper, with the Clerk of Court and served upon the parties in accordance with the applicable Federal Rules of Civil Procedure and the Local Rules for filing and service of non-electronic documents. Parties making a manual filing of a component shall file electronically a Notice of Manual Filing setting forth the reason(s) why the component cannot be filed electronically (see Form in Electronic Case Filing Policies and Procedures Manual for the Southern District of Indiana).

Notes: Rule adopted effective July 1, 2002.

Local Rule 5.11 – Signatures in Cases Filed Electronically

The user log-in and password required to submit documents to the Electronic Filing System serve as the Filing User's signature on all electronic documents filed with the Court. They also serve as a signature for purposes of the Federal Rules of Civil Procedure (including FED. R. CIV. P. 11), the local rules of this Court, and any other purpose for which a signature is required in connection with proceedings before the Court. Electronically filed documents must include a signature block and must set forth the name, address, telephone number and e-mail of the Filing User. In addition, the name of the Filing User under whose log-in and password the document is submitted must be preceded by an "s/" and typed in the space where the signature would otherwise appear.

No Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User.

Documents requiring signatures of more than one party must be electronically filed either by: (a) submitting a scanned document containing all necessary signatures; (b) representing the consent of the other parties on the document; (c) identifying on the document the parties whose signatures are required and by the submission of a notice of endorsement by the other parties no later than three business days after filing; or (d) in any other manner approved by the Court.

Notes: Rule adopted effective July 1, 2002.

Local Rule 5.12 – Notice of Court Orders and Judgments in Cases Filed Electronically

Immediately upon the entry of an order or judgment in an action assigned to the Electronic Filing System, the Clerk will transmit to Filing Users in the case, in electronic form, a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by FED. R. CIV. P. 77(d). The Clerk must give notice to a person who has not consented to electronic service in paper form in accordance with the Federal Rules of Civil Procedure.

Notes: Rule adopted effective July 1, 2002.

Local Rule 5.13 – Public Access to Cases Filed Electronically

A person may review at the Clerk's office filings that have not been sealed by the Court. A person also may access the Electronic Filing System at the Court's Internet site www.insd.uscourts.gov by obtaining a PACER log-in and password. A person who has PACER access may retrieve docket sheets and documents. Only a Filing User under Rule 5.4 of these rules may file documents.

Notes: Rule adopted effective July 1, 2002.

Local Rule 5.14 - Retention of Documents in Cases Filed Electronically

Documents that are electronically filed and require original signatures other than that of the Filing User must be maintained in paper form by the Filing User until two (2) years after all time periods for appeals expire. On request of the Court, the Filing User must provide original documents for review.

Notes: Rule adopted effective July 1, 2002.